APPENDIX

United States Code, Title 42:

§ 602. State plans for aid and services to needy families with children; contents; approval by Secretary.

(a) A State plan for aid and services to needy families with children must * * * (7) provide that the State agency shall, in determining need, take into consideration any other income and resources of any child or relative claiming aid to families with dependent children, as well as any expenses reasonably attributable to the earning of any such income; except that, in making such determination, the State agency may, subject to limitations prescribed by the Secretary, permit all or any portion of the earned or other income to be set aside for future identifiable needs of a dependent child; * * *.

(b) The Secretary shall approve any plan which fulfills the conditions specified in subsection (a) of this section, except * * *.

§ 603. Payment to States; computation of amounts.

* * * * *

(b) The method of computing and paying such amounts shall be as follows:

* * * * *

(2) The Secretary of Health, Education, and Welfare shall then certify to the Secretary of the Treasury the amount so estimated by the Secretary of Health, Education, and Welfare, * * *(B) reduced by a sum equivalent to the pro rata share to which the United States is equitably entitled, as determined by the Secre-

tary of Health, Education, and Welfare, of the net amount recovered during any prior quarter by the State or any political subdivision thereof with respect to aid to families with dependent children furnished under the State plan * * *.

§ 1352. State plans for aid to the permanently and totally disabled.

(a) A State plan for aid to the permanently and totally disabled must * * * (8) provide that the State agency shall, in determining need, take into consideration any other income and resources of an individual claiming aid to the permanently and totally disabled, as well as any expenses reasonably attributable to the earning of any such income * * *.

(b) The Secretary shall approve any plan which fulfills the conditions specified in subsection (a) of this section, except * * *.

§ 1353. Payments to States; computation of amounts.

* * * * *

(b) The method of computing and paying such amounts shall be as follows:

* * * * *

(2) The Secretary of Health, Education, and Welfare shall then certify to the Secretary of the Treasury the amount so estimated by the Secretary of Health, Education, and Welfare * * * (B) reduced by a sum equivalent to the pro rata share to which the United States is equitably entitled, as determined by the Secretary of Health, Education, and Welfare, of the net amount recovered during a prior quarter by the State or any political subdivision thereof with respect to aid to the permanently and totally disabled furnished under the State plan * * *.

Need-Requirements for State Public Assistance Plans, 33 Fed. Reg. 10230 (July 17, 1968):

* * * * *

3. *Requirements for state plans.* A State plan for OAA, AFDC, AB, APTD, or AABD must, as specified below:

A. *General.* Provide that the determination of need and amount of assistance for all applicants and recipients will be made on an objective and equitable basis and all types of income will be taken into consideration in the same way, except where specifically authorized by Federal statute.

B. Standards of assistance. 1. Specify a Statewide standards, expressed in money amounts, to be used in determining (i) the need of applicants and recipients and (ii) the amount of the assistance payment.

* * * * *

3. Provide that the standard will be uniformly applied throughout the State.

* * * * *

C. Income and resources—OAA, AFDC, AB, APTD, AABD. 1. Specify the amount and types of real and personal property, including liquid assets, that may be reserved, i.e., retained to meet current and future needs while assistance is received on a continuing basis. In addition to the home, personal effects, automobile and income producing property allowed by the agency, the amount of real and personal property, including liquid assets, that can be reserved for each individual recipient shall not be in excess of $2,000. Policies may allow reasonable proportions of income from businesses or farms to be used to increase capital assets, so that income may be increased.

2. Provide that, in establishing financial eligibility and the amount of the assistance payment:

(i) All income and resources, after policies governing the allowable reserve, disregard or setting aside of income and resources have been applied, will be considered in relation to the State's standard of assistance, and will first be applied to maintenance costs;

(ii) Income and resources will be reasonably evaluated;

(iii) Only such net income as is actually available for current use on a regular basis will be considered, and only currently available resources will be considered; * * *.

U.S. GOVERNMENT PRINTING OFFICE: 1969